

REMARKS

This responds to the Office Action mailed on August 10, 2007.

Claims 21, 31, 35, 38, 39, and 40 are amended, claim 41 is added; as a result, claims 21-35 and 38-41 are now pending in this application.

Interview Summary

Applicant's representative, John Fischer, and Examiner Kesack conducted a telephonic interview on November 9, 2007, wherein proposed claim amendments were discussed. The Examiner indicated the proposed claim amendments overcame the rejections of record, but further consideration may be required. Applicant thanks Examiner Kesack for his time.

§102 Rejection of the Claims

Claims 21, 23, 24, 29-31, 33-34 and 38-40 were rejected under 35 U.S.C. § 102(e) for assertedly being anticipated by Their et al. (U.S. 7,130,822). Applicant respectfully traverses these rejections.

Concerning claims 21, 31, and 38-40

Applicant cannot find in the cited portions of Their any disclosure or description of "automatically determining whether the planned expense data exceeds the spending capacity data" and then "otherwise, transmitting a notification that the planned expense data exceeds the spending capacity data", as presently recited in claim 21, and similarly recited in claims 31 and 38-40. Instead, Their apparently describes a fully manual process, where a "[h]igher-level contributor[] ... can either accept the forecast data, and thereby pass the information up the review hierarchy, or reject the information and send it down for modification." Their at col. 5, lines 62-65. Thus, because Their does not disclose or describe every element of claims 21, 31, and 38-40, Applicant respectfully request withdrawal of the basis of the rejection of these claims.

§103 Rejection of the Claims

Claims 22, 25-28 and 32 were rejected under 35 U.S.C. § 103(a) as being assertedly unpatentable over Their as applied to claims 21 and 31 above. Applicant respectfully traverses these rejections.

Dependent claims 22, 25-28, and 32 depend from independent claims 21 and 31 either directly or indirectly, and accordingly incorporate the features of these independent claims. These dependent claims are accordingly believed to be patentable for the reasons stated herein. Thus, Appellants respectfully request withdrawal of the rejection of these claims.

Unaddressed claim 35

Claim 35 was not addressed in the rejection. Based on Applicant's interview with the Examiner, Applicant has amended claim 35 and believes that it is presently in allowable form in light of the arguments presented above with respect to the other independent claims 21, 31, and 38-40.

RESERVATION OF RIGHTS

In the interest of clarity and brevity, Applicant may not have equally addressed every assertion made in the Office Action; however, this does not constitute any admission or acquiescence. Applicant reserves all rights not exercised in connection with this response, such as the right to challenge or rebut any tacit or explicit characterization of any reference or of any of the present claims, the right to challenge or rebut any asserted factual or legal basis of any of the rejections, the right to swear behind any cited reference such as provided under 37 C.F.R. § 1.131 or otherwise, or the right to assert co-ownership of any cited reference. Applicant does not admit that any of the cited references or any other references of record are relevant to the present claims, or that they constitute prior art. To the extent that any rejection or assertion is based upon the Examiner's personal knowledge, rather than any objective evidence of record as manifested by a cited prior art reference, Applicant timely objects to such reliance on Official Notice, and reserves all rights to request that the Examiner provide a reference or affidavit in support of such assertion, as required by MPEP § 2144.03. Applicant reserves all rights to pursue any cancelled claims in a subsequent patent application claiming the benefit of priority of the present patent application, and to request rejoinder of any withdrawn claim, as required by MPEP § 821.04.

CONCLUSION

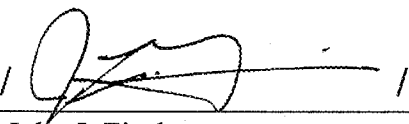
Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 371-2134 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 371-2134

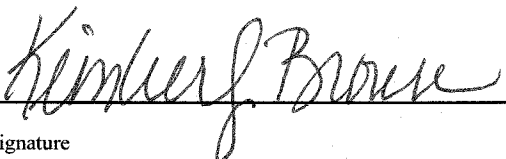
Date 12/10/2007

By 
John I. Fischer
Reg. No. 60,900

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10th day of December 2007.

KIMBERLY BROWN

Name


Signature